

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION

ROBERT E. GIBBS,  
Plaintiff

v.

JOHN E. POTTER,  
Postmaster General,  
United States Postal Service.

**JUDGMENT**

No. 4:09-CV-37-DAN

**Decision by Court.**

**This case came before the Honorable Malcolm J. Howard, Senior United States District Judge for consideration of defendant's motion to dismiss or in the alternative, summary judgment and plaintiff's motion for discovery.**

**IT IS ORDERED, ADJUDGED AND DECREED defendant's motion to dismiss is granted and plaintiff's action is dismissed with prejudice in its entirety. Plaintiff's motion for discovery is denied as moot.**

This Judgment Filed and Entered on September 27, 2010 with service on:

Robert E. Gibbs (via US Mail), 4241 Hwy 304, Bayboro, NC 28515  
Matthew Lee Fesak (via cm/ecf Notice of Electronic Filing)

Date: September 27, 2010

DENNIS P. IAVARONE, CLERK  
/s/ Delsia Heath  
(By): Delsia Heath, Deputy Clerk

